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Attorneys for Defendants  
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CHRIS SMITH, AND GREG ALLEN

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Tyrone Evans and Padraic (Pat) Lackey,

Plaintiffs

v.

MCM Construction, Inc., Jim Carter, Ed  
Puchi, Chris Smith, Greg Allen and  
Roadway Electric,

Defendants.

Case No. 3:10-CV-04493-JL

STIPULATION TO REMAND ACTION TO  
STATE COURT ~~[PROPOSED]~~ ORDER RE  
SAME

1 Plaintiffs TYRONE EVANS and PADRAIC LACKEY (Plaintiffs) and Defendants MCM  
 2 CONSTRUCTION, INC., et al., (Defendants), by and through their counsel of record in this action,  
 3 hereby stipulate as follows:

4 WHEREAS, on July 20, 2010, Plaintiffs filed a Complaint in the Superior Court of  
 5 California in and for the County of Alameda entitled Tyrone Evans and Padraic (Pat) Lackey v.  
 6 MCM Construction, Inc., Jim Carter, Ed Puchi, Chris Smith, Greg Allen and Does 1-100 inclusive,  
 7 Case No. RG10526527;

8 WHEREAS on September 3, 2010, Plaintiffs filed their First Amended Complaint in the  
 9 California Superior Court for the County of Alameda:

10 WHEREAS on or about October 4, 2010, certain Defendants, including MCM Construction,  
 11 Inc., removed this case to the United States District Court for the Northern District of California;

12 WHEREAS, on or about October 21, 2010, the Plaintiffs and Defendants, through their  
 13 respective counsel of record, stipulated to dismiss the Eighth Cause of Action for Violation of  
 14 42 USC Section 1981 in Plaintiff's First Amended Complaint without prejudice;

15 WHEREAS, pursuant to the parties' stipulation, this Court issued its Order dismissing the  
 16 Eighth Cause of Action for Violation of 42 USC Section 1981 in Plaintiff's First Amended  
 17 Complaint without prejudice;

18 WHEREAS, based on this Court's dismissal of Plaintiffs' Eighth Cause of Action, there  
 19 remain no issues of federal law or federal subject matter jurisdiction in this action; and

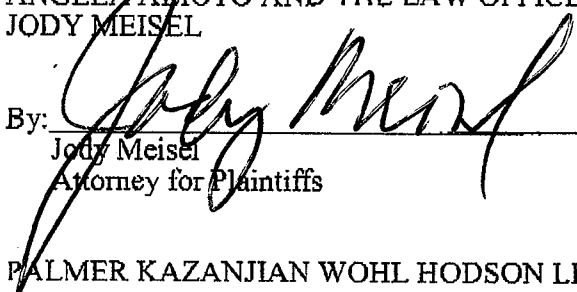
20 WHEREAS, a hearing is set on February 2, 2011, regarding Plaintiffs' Motion to Remand;

21 **NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED** by and between  
 22 the parties, through their respective undersigned attorneys of record, that Plaintiffs' First Amended  
 23 Complaint is hereby remanded to the Superior Court of the State of California for the County of  
 24 Alameda and the February 2, 2011 hearing on the Plaintiffs' motion to remand is withdrawn and off  
 25 calendar.  
 26  
 27  
 28

1 **IT IS SO STIPULATED.**

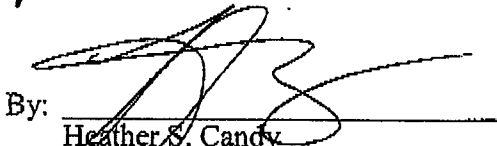
2 Dated: December 22, 2010

THE LAW OFFICES OF JOSEPH L. ALIOTO &  
ANGELA ALIOTO AND THE LAW OFFICES OF  
JODY MEISEL

3  
4  
5 By:   
Jody Meisel  
Attorney for Plaintiffs

6  
7 Dated: December 22, 2010

PALMER KAZANJIAN WOHL HODSON LLP


8  
9 By:   
Heather S. Candy  
Attorneys for Defendants

10  
11  
12 **ORDER**

13 Having reviewed the Stipulation executed by and between the parties hereto, through  
14 their respective attorneys of record, it is hereby ordered that Plaintiffs' First Amended Complaint is  
15 hereby remanded to the Superior Court of the State of California for the County of Alameda.  
16 Moreover, the February 2, 2011 hearing on the Plaintiffs' motion to remand is off calendar.

17 **IT IS SO ORDERED**

18 Dated: December 23, 2010

19  
20   
Magistrate Judge James Larson  
United States District Court  
Northern District of California